

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

**CHERYL GREENE, PERSONAL
REPRESENTATIVE OF THE ESTATE
OF DWAYNE GREENE, DECEASED,**

Plaintiff,

Case No. 2:18-cv-11008-MAG-DRG

HON. THOMAS L. LUDINGTON

v.

**CRAWFORD COUNTY, DAWN
WAKEFIELD, PERSONAL
REPRESENTATIVE OF THE ESTATE
OF SHERIFF KIRK WAKEFIELD,
DECEASED, RANDELL BAERLOCHER,
RENEE CHRISTMAN, KATIE
TESSNER, DONALD STEFFES,
WILLIAM SBONEK, TIMOTHY
STEPHAN, JOEL AVALOS, DALE
SUITER, AMY JOHNSON, DAVID
NIELSON, LARRY FOSTER, SHON
CHMIELEWSKI, NORTHERN LAKES
COMMUNITY MENTAL HEALTH
AUTHORITY, Nanci KARCZEWSKI
AND STACEY KAMINSKI, LPC,
Individually and Officially and Jointly and
Severally,**

Defendants.

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KEVIN C. RIDDLE (P57435)
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**PLAINTIFF'S MOTION TO APPROVE SETTLEMENT, COSTS AND
ATTORNEY FEES AND AUTHORITY TO DISTRIBUTE PROCEEDS**

NOW COMES CHERYL GREENE, Personal Representative of the Estate of Dwayne Greene, Deceased, and for her Motion to Approve Settlement, Costs and Attorney Fees and Authority to Distribute Proceeds states as follows:

1. The above captioned matter is a civil rights action resulting in the death of Dwayne Greene.

2. Cheryl Greene is the duly appointed Personal Representative of the Estate of Dwayne Greene, Deceased.

3. Plaintiff and the Crawford County Defendants have settled the above-captioned matter for \$3,800,000.

4. Pursuant to the terms of the Retainer Agreement, \$232,532.70 is payable to Fieger, Fieger, Kenney & Harrington, P.C., said sum representing reimbursement for attorney costs expended in this matter.¹ **Exhibit 1.**

5. Pursuant to the terms of the Retainer Agreement, \$1,189,155.77 is payable to Fieger, Fieger, Kenney & Harrington, P.C. Said sum representing fees payable pursuant to the contingency for agreement between Fieger, Fieger, Kenney & Harrington, P.C. and Plaintiff.

6. There is a Medicaid Lien in the amount of 10,715.95 that needs to be paid from proceeds. See attached **Exhibit 2.**

7. The balance after deduction of costs, attorney fees and the Medicaid Lien will be distributed as follows amongst the wrongful death beneficiaries:

- Cheryl Greene (mother) 25%

¹ The costs posted represents an additional \$50,000 which will be held for future costs that have not yet been received and/or posted and distributed after 30 days on a 2/3 to client (in the percentages described in paragraph 7), 1/3 to Fieger Firm basis to account for attorney fees and costs not received.

- John Greene (father) 25%
- Nicole Greene (sister) 25%
- Pamela Greene (sister) 25%
- Ken Rejniak (maternal grandfather) 0%
- Krystyna Rejniak (maternal grandmother) 0%

8. Dwayne Greene had no children and was not married. There are no other siblings that are living or predeceased him. Paternal grandparents predeceased Dwayne Greene.

9. Nicole Greene's 25% will be placed in a Trust to be formed with Cheryl Greene as Trustee. The monies required to set up the Trust will come out of Nicole Greene's 25%.

10. The settlement is in the best interest of the Estate of Dwane Greene and should be approved.

WHEREFORE Plaintiff respectfully requests that this Honorable Court grant their motion.

Respectfully submitted,

Fieger, Fieger, Kenney & Harrington, P.C.

/s/ Kevin C. Riddle

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KEVIN C. RIDDLE (P57435)

Attorneys for Plaintiff

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Southfield, MI 48075

(248) 355-5555

Dated: February 22, 2022

PROOF OF SERVICE

The undersigned certifies that on **February 22, 2022** a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by electronic filing with the e-filing System which will send notification of such filing to the foregoing attorney of record. I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

Fieger, Fieger, Kenney & Harrington, P.C.

/s/Bonita K. Crison

BONITA K. CRISON

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**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR
APPROVAL OF SETTLEMENT, ATTORNEY FEES AND COSTS AND
AUTHORITY TO DISTRIBUTE PROCEEDS**

STATEMENT OF ISSUES

Should the proposed settlement and distribution be approved by the Court?

Plaintiff says: Yes

STATEMENT OF FACTS

This case is well-known to the Court. The case settled against the Crawford County Defendants for \$3,800,000. This Honorable Court should approve the settlement, costs and attorney fees as set forth in the motion. The balance after payment of the Medicaid lien will be distributed as set forth in the motion.

CONCLUSION

In light of the foregoing, Plaintiff respectfully requests that this Honorable Court grant his motion.

Respectfully Submitted,

Fieger, Fieger, Kenney & Harrington, P.C.

/s/ Kevin S. Riddle

GEOFFREY N. FIEGER (P30441)

KEVIN C. RIDDLE (P57435)

19390 West Ten Mile Road

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Dated: February 22, 2022

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The undersigned certifies that on **February 22, 2022** a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by electronic filing with the e-filing System which will send notification of such filing to the foregoing attorney of record. I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

Fieger, Fieger, Kenney & Harrington, P.C.

/s/Bonita K. Crison

BONITA K. CRISON